

INTERNATIONAL SEARCH REPORT

Application No

PCT/GB 03/03175

A. CLASSIFICATION OF SUBJECT MATTER
 IPC 7 C07D239/48 C07D239/69 C07D401/12 C07D403/12 C07D405/12
 C07D409/12 C07D413/12 C07D413/14 C07D417/12 A61K31/5377
 A61K31/506 A61P11/00 A61P29/00 A61P35/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C07D A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, CHEM ABS Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	GB 1 042 295 A (CHUGAI PHARMACEUTICAL CO LTD) 14 September 1966 (1966-09-14) page 2, column 2, line 35 - line 37; claims 1,11; example 20 ---	1,2,5,8
X	WO 01 25242 A (HUNT SIMON FRASER ;WALTERS IAIN ALISTAIR STEWART (GB); ASTRAZENECA) 12 April 2001 (2001-04-12) page 12, line 28 -page 14, line 22; claims 1-6,10-19; examples 6,10 ---	1-21
X	WO 00 09511 A (ASTRA PHARMA PROD ;KINCHIN ELIZABETH (GB); AUSTIN RUPERT (GB); BAX) 24 February 2000 (2000-02-24) page 30, line 3 -page 32, line 4; claims 1-7,11-17; examples 231-235,272,294,295 ---	1-21
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☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

Z document member of the same patent family

Date of the actual completion of the international search

16 October 2003

Date of mailing of the international search report

04/11/2003

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 01 58906 A (BONNERT ROGER ;HUNT FRASER (GB); WILLIS PAUL (GB); ASTRAZENECA AB) 16 August 2001 (2001-08-16) page 12, line 21 -page 15, line 12; claims 1-7,9-17; examples -----	1-21

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Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

☐ The additional search fees were accompanied by the applicant's protest.

☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

It is noted that the application refers to "prodrugs" and "in vivo hydrolysable esters". Both are functional definitions which attempt to define a chemical compound in terms of a result to be achieved. This is not allowable (Article 6 PCT). The said terms have not been searched and should be deleted. "Prodrugs" and "in vivo hydrolysable esters" are functional definitions without a specific technical guidance for the selection of the suitable derivatives in the description and without proven general knowledge to show which derivatives are suitable prodrugs or which esters are indeed hydrolysable under in vivo conditions. The term could be seen as a mere invitation to the skilled person to perform a research program in order to find the suitable variants. Page 5, line 33-page 6, line 2 confirms this by stating "such esters can be identified by administering intravenously to a test animal the compound under test and subsequently examining the test animal's body fluid". In such a situation, when the invention cannot be carried out over the whole claimed area without imposing an undue burden, the disclosure may be considered insufficient in the sense of Article 5 PCT, even when simple in vivo or in vitro tests are available to determine whether or not a particular compound is covered by the claims.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

INTERNATIONAL SEARCH REPORT

Information on patent family members

Application No

PCT/GB 03/03175

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